

FOURTH DAY.

Senate Chamber,
Austin, Texas,
January 14, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with, on motion of Senator Fellbaum.

Bills and Resolutions.**Senate Resolution No. 10.**

Senator Fellbaum sent up the following resolution:

In memory of Hon. Joe L. Hill, Sr.

Senator Fellbaum asked that the names of all Senators be added.

S. R. No. 10 was unanimously adopted by a rising vote.

Senate Resolution No. 11.

Senator Holbrook sent up the following resolution:

In Memory of Judge W. O. Huggins.

Senator Holbrook delivered the resolution of tribute to Judge W. O. Huggins, and moved that it be adopted and printed in the Journal.

Senators Pace and Moore seconded the motion in brief speeches of tribute.

S. R. No. 11 was unanimously adopted by a rising vote.

S. J. R. No. 10.

Senator Regan sent up the following resolution:

3—Jour.

S. J. R. No. 10, Proposing an amendment to Article VII of the Constitution of the State of Texas so as to authorize the taxation of lands belonging to the University of Texas for county and school district purposes; and providing for valuation of these lands by State Tax Board; and providing for the payment of such taxes by the University of Texas to the proper authorities of the county and school districts where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

REGAN.

Read and referred to the Committee on Constitutional Amendments.

Senate Bill No. 49.

By Senator Oneal:

S. B. No. 49, A bill to be entitled "An Act amending Article 297 of the Penal Code providing for the compulsory attendance of children in the public schools, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 50.

By Senator Regan:

S. B. No. 50, A bill to be entitled "An Act providing for the relief of Eagle Pass Independent School district of Maverick County, Texas, in order to aid the school district in accommodating the large growth of population due to the development of Quemado Valley Irrigation Settlement which covers a portion of the Eagle Pass Independent School District of 1934; making appropriation of eighty-five hundred (\$8,500.00) dollars to said district for said purposes, and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 51.

By Senators Collie, Oneal, Beck, and Rawlings:

S. B. No. 51, A bill to be entitled "An Act amending Article 815 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 52.

By Senators Collie, Oneal, Beck, Rawlings:

S. B. No. 52, A bill to be entitled "An Act amending Article 590 of the By Senators Collie, Oneal, Beck, and Rawlings:

Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 53.

By Senators Collie, Rawlings, Beck:

S. B. No. 53, A bill to be entitled "An Act amending Article 693 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 54.

By Senator Neal:

S. B. No. 54, A bill to be entitled "An Act withdrawing from sale or lease for minerals or otherwise all lands situated in the bed of the Nueces River, between the lower boundary of La Fruta Dam and the intersection of the Nueces River, with the eastern boundary line of McMullen County; requiring that land within such area hereafter relinquished be not again leased or otherwise disposed of; permitting the holders of leases in such area to relinquish them; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 55.

By Senator Neal:

S. B. No. 55, A bill to be entitled "An Act to amend 3, 5, 11 and 16 of House Bill No. 500, the Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

Read and referred to the Committee on Agriculture.

Senate Bill No. 56.

By Senator Neal:

S. B. No. 56, A bill to be entitled "An Act to amend Article 117, Chapter 6, Revised Civil Statutes of 1925, so as to eliminate compulsory inspection of fruits other than citrus, and vegetables other than potatoes; providing for the adoption of the United States grades for certain fruits and vegetables, and the promulgation of additional grades giving the Commissioner of Agriculture authority to enter into co-operative agreements with the United States Department

of Agriculture; and to issue certificates of inspection under said co-operative agreements; and making said certificates of inspection issued by the Commissioner of Agriculture under said co-operative agreements acceptable as prima facie evidence of the true grade, pack, or other requirements or classifications of such fruits and vegetables in any court of this State, and declaring an emergency."

Read and referred to the Committee of Agriculture.

Senate Bill No. 57.

By Senator Neal:

S. B. No. 57, A bill to be entitled "An Act authorizing counties, municipalities, political subdivisions and taxing districts to sell to the Reconstruction Finance Corporation, or any other governmental agency, at less than par, and/or to compromise or adjust bonds held by it by selling and/or exchanging the same to the Reconstruction Finance Corporation, or any other governmental agency, at an agreed price which may be less than par; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 58.

By Senator Neal:

S. B. No. 58, A bill to be entitled "An Act amending Article 7009, Revised Civil Statutes of 1925, so as to provide that one member of the Live Stock Sanitary Commission shall be appointed for a term of two years; one for a term of four years, and the other for a term of six years, and that thereafter the term of office of said members shall be for six years; providing the qualification of said members and for the execution of a bond; providing for the date upon which their term shall expire; defining the word 'commission'; and declaring an emergency."

Read and referred to the Committee on Stock and Stock Raising.

Senate Bill No. 59.

By Senator Duggan:

S. B. No. 59, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases, prescribing the method of procedure and fixing duties of officials concerned therewith, and declaring an emergency."

Read and referred to the Committee on Public Health.

Senate Bill No. 60.

By Senators Duggan, Holbrook, Woodruff:

S. B. No. 60, A bill to be entitled "An Act amending Article 6675a, Subsections 5 and 6, of the Revised Civil Statutes of 1925, as amended by House Bill No. 6, Section 2, of the Second Called Session of the Forty-third Legislature, 1934, by adding a new section to be known as Subsection 7; providing that the tax assessor-collector shall require applicants for licenses for motor vehicles to exhibit a receipt showing that the ad valorem taxes have been paid on such motor vehicles; providing penalty for failure to exhibit said receipt in the form of an additional tax; requiring affidavit to be made by applicant; providing disposition of said affidavit; authorizing the administering of oath by the tax assessor-collector; providing penalty for making false statement by applicant; requiring separate records for ad valorem tax receipt book to be kept by tax assessor-collector; providing penalty for failure of tax assessor-collector to comply with the terms of this Act; providing disposition of additional taxes collected; providing for expenses incident to the enforcement of this Act; and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Bill No. 61.

By Senators Duggan, Holbrook, Woodruff:

S. B. No. 61, A bill to be entitled "An Act to amend Article 7058, R. C. S. of 1925, as amended by Acts of the Forty-second Legislature, page 376, Chapter 222, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Bill No. 62.

By Senators Duggan, Holbrook, Woodruff:

S. B. No. 62, A bill to be entitled "An Act amending Article 7059, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 63.

By Senators Duggan, Holbrook, Woodruff:

S. B. No. 63, A bill to be entitled "An Act to amend Article 7061, Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 64.

By Senators Duggan, Holbrook, Woodruff:

S. B. No. 64, A bill to be entitled "An Act amending Article 7070, Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 65.

By Senators Duggan, Holbrook, Woodruff:

S. B. No. 65, A bill to be entitled "An Act amending Article 7073, Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 66.

By Senator Duggan:

S. B. No. 66, A bill to be entitled "An Act amending Sections 10 and 12 of Chapter 206, Acts of the Forty-second Legislature of Texas, Regular Session, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 67.

By Senator Westerfeld:

S. B. No. 67, A bill to be entitled "An Act to amend Senate Bill No. 68, being Chapter 106, beginning on page 489, General and Special Laws of the First Called Session of the Fortieth Legislature, entitled 'An Act to authorize incorporated cities, towns, and villages incorporated under either general or special laws, including those operating under a special charter or amendments of charter adopted pursuant to home rule provisions of the Constitution, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares and any portion or portions thereof, and to assess the cost thereof against abutting property owners thereof,

etc., and providing that cities, towns and villages incorporated under either general or special laws, including those operating under special charter or amendments of charter adopted pursuant to the home rule provisions of the Constitution, shall have power to cause to be improved any highway within their limits by filling, grading, raising, paving, repaving, and repairing in a permanent manner and by constructing, reconstructing, repairing and realigning curbs, gutters and sidewalks and by widening, narrowing and straightening and by constructing appurtenances and incidentals to any such improvements including drains and culverts, which power shall include that of causing to be made any one or more of the kind or classes of improvement herein named; repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

Senate Bill No. 68.

By Senator Pace:

S. B. No. 68, A bill to be entitled "An Act creating the Special District Court of Smith County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing its powers and duties, providing for the transfer of cases from the Seventh Judicial District of Smith County; and from the Special District Court to the Seventh Judicial District of Smith County; providing for the district clerk of Smith County and his successor in office to be the clerk for said Special District Court in said county; providing that the district attorney of the District Court of Smith County, and in his absence or inability, the county attorney of Smith County shall represent the State in said Special District Court in said county; providing a seal for said Special District Court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

Senate Bill No. 69.

By Senator Westerfeld:

S. B. No. 69, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discrimination rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violation; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts of laws in conflict herewith; providing if any part of this Act is declared unconstitutional and invalid it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Bill and Resolutions Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read the following bill and resolutions:

S. B. No. 7.	S. C. R. No. 1.
H. C. R. No. 2.	S. C. R. No. 2.
H. C. R. No. 5.	S. C. R. No. 3.
H. C. R. No. 7.	

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, Jan. 14, 1935.

To the Forty-fourth Legislature of Texas:

Since making my report on January 9, 1935, I have received through the Federal Emergency Relief Administration \$2,244,695.00 which amount has been paid by me to the Texas Relief Commission Division, State Board of Control, under date of January 11, 1935.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor of Texas.

Adjournment.

On motion of Senator Oneal, the Senate, at 10:41 o'clock a. m., adjourned until 10:00 o'clock a. m. Tuesday.

In Memoriam

M. O. Huggins

SENATE RESOLUTION NO. 11.

By Senator Holbrook:

Mr. President, and gentlemen of the Senate: The spirit of the dead is often revealed in the words of the living; and the yearning with which we "Sigh for the touch of a vanished hand, and the sound of a voice that is stilled" is evidence of the fact that "their works do follow them."

Beyond the realm of an invisible veil they speak as shadows of a day that is spent, and lighten our burdens as we travel the path which leads to higher and nobler planes of duty. But yesterday a letter came to me written by one of the partners of my old time friend, the late Judge W. O. Huggins of Houston. It was in reply to one I had addressed to him just three days before he crossed the Great Divide. With a feeling akin to divinity, after referring to the long friendship between the Judge and myself, Mr. Liddell closed by saying, "He is gone and no one may speak for him now." Viewed from a physical aspect this statement is true; but the character he bore here still lives, and will be a distinct blessing to mankind, from generation to generation.

The years that encompassed his mortal career lay between July 8, 1878, and December 4, 1934. From a standpoint of time as we reckon it, this was a short duration; but the mighty events which transpired, and the eager interest which he manifested in them fill a unique page in the history of the State.

Born of humble parentage near Tyler, Texas, whose forbears came here in an early day, he imbibed in youth the habits and customs of those pioneer citizens which he was proud to carry through life. His primary education was obtained in the public schools of Smith County, after which he was privileged to attend the University of Texas for a short while. After leaving this institution, he obtained work in a mercantile establishment during the day, and studied law in the office of the late Cone Johnson at night. Securing a license to practice law in 1899, he at once entered into the work of his chosen profession, selecting Orange, Texas, as his home.

It was here that I first met him nearly thirty years ago, as a struggling young man seeking to gain a foothold in the world. From that day until death called him, he was my friend. By reason of his keen

ability and upright character he constantly forged ahead, and at the end of ten years when he removed to Houston he was easily the leading lawyer at the Orange bar. Soon after coming to Houston he established and held a large clientele in both business and professional lines, and in each and every endeavor became an outstanding figure. Always active in politics and civic affairs he held but two public offices in his life, once Chairman of the Democratic Executive Committee of Orange County, and once Chairman of the State Democratic Executive Committee. He was a staunch democrat, and throughout his busy life never wavered in support of the party and its principles.

Of him it may be truly said, that he was the father of good roads in Texas. In season and out of season he could be found going from one part of the State to another, and even into distant States, carrying forward this program. It was especially interesting to note his work in carrying along this line, and others of equal importance, in the gulf coast region. His enthusiasm in whatever he undertook to do was pronounced, and his name had become a household word in every home in South Texas. He was constantly spending and being spent in continued, well defined efforts concerning the progress of his City, his County, his State, and the nation.

Somewhat late in life he slowed down on his active law practice a bit, that he might become editor-in-chief of the Houston Chronicle; a field in which he achieved nation-wide distinction. As a mark of his ability in this line of work, the Italian Government paid him a distinct compliment last year. He was invited by Mussolini to visit that Kingdom, study its government, and give back to the people of this Republic a true picture of conditions over there. This he did, and the Senate will remember the splendid review he made of that trip, before a joint session of the Legislature some two months ago. From a country boy in East Texas, he had grown to be a national, yea, an international figure before his untimely death; and we shall miss him more and more as time goes on.

When he fell asleep on December 4th, the people of his native State were shocked with inexpressible sorrow. From high and low alike unbidden tears flowed over wan cheeks, and little children of the City in which he lived began to wonder whether Santa Claus would come to brighten their Christmas fireside—they feared in their simple way, that the "Good-fellows Club" had passed on with him.

That he was one of the most highly respected and best loved citizens of the State will be attested by all who knew him. For more than a quarter of a century it was my pleasure to know him, and in all of his acts and deeds I never knew a man of nobler build. Unselfish to an exceptional degree, his entire life was dedicated to the public good. It was said by Lord Macaulay: "The world generally gives its admiration, not to the man who does what nobody else ever attempts to do, but to the man who does best what multitudes do well." This thought well illustrates what might be aptly applied to Judge Huggins during his busy career. As an advocate at the bar, as a citizen, and as a friend to all mankind, he did best what multitudes have done well; and deserves to be ranked among our great immortals.

In order to measure the full appreciation of the affection which his friends had for him one need but ask, what finer use could be made of a life than he made of his. He impressed upon every moment of his time the seal of unremitting toil. To him came many positions of honor and trust, and in each of them he performed a distinguished service. He went his way unselfishly seeking opportunities to do good, always and everywhere with a humble spirit and contrite heart, keeping uppermost in his mind the thought of serving others who had

lost their way in the unequal battles of life. He looked upon the years allotted to man as a consecrated trust, and counted the work of no day done, which did not leave a lasting influence for good indelibly stamped on the hearts of those around him.

Next to his family, the welfare of his community and his State were objects of his continual care; and there was never a movement looking to their betterment and progress that did not command his attention. No man in Houston contributed so generously of his time, his energies, his talents, and his substance, than did Judge Huggins. Under his direction the great newspaper which he edited wrought mightily in its efforts to build a better Houston; and its eminence among the cities of the South is a testimonial of how well he performed that task. He was of retiring disposition, but when surrounded by friends was a man of rare social gifts. He was especially endeared to his business and professional associates, as attested by them on every occasion. When death came they paid him tribute without stint or exception; and it may be truly said that in his taking leave of them, there is left a vacant chair which never can be filled.

As a father, lawyer, editor, citizen or friend, he was always considerate of the happiness of those around him; and even when his struggles were hard, he met them face forward and without complaint. Born in Texas, as were his parents before him, he inherited the ideals of the Old South, which recognized and taught that there could be no manly character without honor and integrity. These were the foundation stones upon which all else rested. No taint of wrongdoing ever soiled his garments, and no whisper of sharp dealing was ever uttered against him.

He exemplified and typified the finest graces that adorned the men of his generation, and notwithstanding the political unrest in the world today, he never wavered in his support of, nor lost faith in, the fundamental principles upon which this government was founded. This was fully demonstrated in the speech he made to the Legislature, after his return from a trip to Europe last Fall. Moreover, there was a deeply religious side to his life. In this day of doubt, for him there was no doubt; in a day when men say they do not know what lies beyond the grave, he had faith to believe that beyond its portals there is "A City not made with hands, eternal in the heavens." In a day when for many, this hope is hushed in silence, the words of the Nazarene, declaring that life this side of the grave is but a preparation for that beyond, was to him a glorious vision of what the future holds out for the faithful. It must be so: For the Great Power that stands back of all truth did not plant this universal belief in the immortality of the soul through tantalizing caprice. If it is a vain dream, and the spirit of man, which is king over all, is destroyed by death, like the flame of a candle blown out, then life itself is a tragedy so full of disappointments that he who dreads to die should fear to live. He believed implicitly in a life beyond this sphere, and with hope triumphant looked to the other side.

In his journey, hence, to join that band of great immortals who went before him, even now, we may vision him striking hands with Cone Johnson and Jim Edwards, who in his young manhood schooled him in the ways of right and justice; as well as other stalwarts of East Texas, whose memories are enshrined in the history and tradition of this commonwealth.

Courage, kindness, and courtesy, were the triple links which bound him in deathless tie to every hope that animated the spirit and blessed the lives of all mankind. With the multitudes who loved him, we

bid him goodbye, but not forever: On some lost field of Asphodels
we shall meet him again; where

"Falls not rain, nor hail, nor any snow,
Nor ever winds blow loudly; but which lies
Deep-meadowed, happy, far with orchard-lawns,
And bowery hollows crowned with summer seas."

Mr. President: In the passing of Judge W. O. Huggins, this Senate feels that the State has lost one of its finest citizens: It is therefore, resolved by the Senate of Texas, that the above tribute to his memory be printed in the Journal as a mark of our regard and affection for him: That a copy of same be mailed by the Secretary to each member of his family: and that when the Senate adjourns for the day, it do so in honor of this distinguished citizen of Texas.

Respectfully submitted,

HOLBROOK,
MOORE,
BECK,
BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
FELLBAUM,
HILL,

HOPKINS,
HORNSBY,
HUGHSTON,
MARTIN,
NEAL,
ONEAL,
PACE,
POAGE,
RAWLINGS,
REDDITT,
REGAN,

SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,
WITT, Lt. Gov.,
WOODUL,
Lt.-Gov.-Elect.

Read and adopted unanimously by a rising vote.

**In Memory
of
Hon. Joe L. Hill Sr.**

SENATE RESOLUTION NO. 10.

By Senator Fellbaum:

WHEREAS, On January 3, 1935, Hon. Joe L. Hill, Sr., departed this life in San Antonio, Texas; and

WHEREAS, Judge Hill was a native son of Texas, born in Burleson County, Texas, in 1862, and while a young man he studied law in the office of Judge W. K. Homan in Caldwell, Texas, receiving his license to practice law when he was twenty years of age. He practiced his profession in Caldwell, Texas, for several years and moved to Victoria, Texas, where he followed his profession until 1906 when he changed his residence to San Antonio, Texas, where he was active in practicing law until the date of his death. On January 1, 1885, he married Miss Mary Georgia Fly, daughter of Major G. W. L. Fly of Gonzales, Texas; he is survived by his wife and three sons, Rev. Milton F. Hill of Marfa, Texas, Senator Joe L. Hill of Henderson, Texas, and Wm. M. Hill, Attorney of Dallas, Texas; and

WHEREAS, Judge Hill was a man of sterling character, stood high as a member of his chosen profession, true to the principles of right and justice, always considerate of his adversary, yet firm and unswerving in all that he conceived to be just. He had a host of friends and they all loved and respected him. In his passing we have lost one of nature's noblemen, one who always stood for and practiced the traditions of the Old South; and

WHEREAS, Judge Hill was the father of our fellow member, Senator Joe L. Hill; now therefore be it

RESOLVED by the Senate of Texas, That in the death of Judge Hill, Texas has lost a highly respected and outstanding citizen, his family a beloved husband and father, and his neighbors a loyal and sympathetic friend; and be it

RESOLVED FURTHER That we extend to his family our deepest sympathy, and that this memorial be printed in the Journal, and that copies thereof be mailed to each member of his family.

FELLBAUM,
BECK,
BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
HILL,
HOLBROOK,

HOPKINS,
HORNSBY,
HUGHSTON,
MARTIN,
MOORE,
NEAL,
ONEAL,
PACE,
POAGE,
RAWLINGS,
REDDITT,

REGAN,
SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,
WITT, Lt. Gov.
WOODUL,
Lt.-Gov.-Elect.

Adopted unanimously by a rising vote.